



General Assembly

Substitute Bill No. 61

February Session, 2002

AN ACT CONCERNING DEBARMENT REFORM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-53a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) The State Comptroller or the contracting authority acting
4 pursuant to section 31-53 is hereby authorized and directed to pay to
5 mechanics, laborers and [workmen] workers from any accrued
6 payments withheld under the terms of a contract terminated pursuant
7 to subsection (b) of said section 31-53 any wages found to be due such
8 mechanics, laborers and [workmen] workers pursuant to said section
9 31-53. The Labor Commissioner is further authorized and directed to
10 distribute a list to all departments of the state and political
11 subdivisions [thereof] of the state giving the names of persons or firms
12 whom [he] the Labor Commissioner has found to have disregarded
13 their obligations under said section 31-53 and section 31-76c to
14 employees and subcontractors on public works projects or to have
15 been barred from federal government contracts in accordance with the
16 provisions of the Davis-Bacon Act, 49 Stat. 1011 (1931), 40 USC 276a-2.

17 **(b) (1)** No contract shall be awarded by the state or any of its
18 political subdivisions to the persons or firms appearing on [this] such
19 list or to any firm, corporation, partnership, or association in which
20 such persons or firms have an interest until a period of up to three

21 years, as determined by the Labor Commissioner, has elapsed from the
22 date of publication of the list containing the names of such persons or
23 firms.

24 (2) No general contractor that enters into a contract with the state or
25 any of its agents, or with any political subdivision of the state or any of
26 its agents, for the construction, remodeling, refinishing, refurbishing,
27 rehabilitation, alteration or repair of any public works project that
28 meets the requirements of subsection (g) of section 31-53, shall award
29 any work under such contract to the persons or firms appearing on the
30 list distributed by the Labor Commissioner pursuant to subsection (a)
31 of this section or to any firm, corporation, partnership or association in
32 which such persons or firms have an interest until a period of up to
33 three years, as determined by the Labor Commissioner, has elapsed
34 from the date of publication of the list containing the names of such
35 persons or firms.

36 (3) Prior to performing any work under a contract for the
37 construction, remodeling, refinishing, refurbishing, rehabilitation,
38 alteration or repair of any public works project that meets the
39 requirements of subsection (g) of section 31-53, each person, firm,
40 corporation, partnership or association engaged by a general
41 contractor to perform such work shall submit a sworn affidavit to the
42 general contractor attesting that such person, firm, corporation,
43 partnership or association does not hold an interest of ten per cent or
44 greater in a firm appearing on the list distributed by the Labor
45 Commissioner pursuant to subsection (a) of this section.

46 (4) Any person or firm that appears on the list distributed by the
47 Labor Commissioner pursuant to subsection (a) of this section, for a
48 period of up to three years from the date of publication of such list,
49 shall be liable to the Labor Department for a civil penalty of one
50 thousand dollars for each day or part of a day in which such person or
51 firm performs any work under any contract with the state or any of its
52 agents, or with any political subdivision of the state or any of its
53 agents, for the construction, remodeling, refinishing, refurbishing,

54 rehabilitation, alteration or repair of any public works project that
 55 meets the requirements of subsection (g) of section 31-53 or any state
 56 highway project that falls under the provisions of section 31-54. The
 57 Attorney General, upon complaint of the Labor Commissioner, shall
 58 institute a civil action to recover such civil penalty. Any amount
 59 recovered shall be deposited in the General Fund and credited to a
 60 separate nonlapsing appropriation to the Labor Department, for other
 61 current expenses, and may be used by the Labor Department to
 62 enforce the provisions of part III of chapter 557.

63 [(b)] (c) If the accrued payments withheld under the terms of a
 64 contract terminated pursuant to subsection (b) of section 31-53 are
 65 insufficient to reimburse all the mechanics, laborers and [workmen]
 66 workers with respect to whom there has been a failure to pay the
 67 wages required pursuant to said section 31-53, such mechanics,
 68 laborers and [workmen] workers shall have the right of action and of
 69 intervention against the contractor and [his] the contractor's sureties
 70 conferred by law upon persons furnishing labor or materials, and in
 71 such proceedings it shall be no defense that such mechanics, laborers
 72 and [workmen] workers accepted or agreed to accept less than the
 73 required wages or that such persons voluntarily made refunds.

This act shall take effect as follows:	
Section 1	October 1, 2002

LAB	<i>Joint Favorable Subst. C/R</i>	GAE
GAE	<i>Joint Favorable</i>	
JUD	<i>Joint Favorable</i>	
APP	<i>Joint Favorable</i>	